

AMENDED IN SENATE MAY 12, 2014
AMENDED IN SENATE MARCH 3, 2014
AMENDED IN SENATE JANUARY 6, 2014
AMENDED IN SENATE JUNE 25, 2013
AMENDED IN ASSEMBLY APRIL 22, 2013
AMENDED IN ASSEMBLY APRIL 10, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 834

Introduced by Assembly Member Williams

February 21, 2013

An act *to amend Section 94878 of, and to add Section 94910.5 to, the Education Code, relating to private postsecondary education, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 834, as amended, Williams. Private postsecondary education: School Performance Fact Sheets.

Existing law, the California Private Postsecondary Education Act of 2009, provides, among other things, for regulatory oversight of private postsecondary schools in the state. The act is enforced by the Bureau for Private Postsecondary Education within the Department of Consumer Affairs. The act exempts specified institutions, including certain law schools, from all, or a portion, of its provisions. The act requires an institution to provide a prospective student prior to enrollment with a School Performance Fact Sheet, which is required to contain specified information relating to the educational program. The act requires an

institution that maintains an Internet Web site to provide, on that Internet Web site, specified information, including a School Performance Fact Sheet for each educational program offered by the institution.

The act authorizes an institution exempt from all or part of the act pursuant to specified provisions to apply to the bureau for an approval to operate subject to the act, as specified. The act requires these institutions to provide to prospective students the School Performance Fact Sheet, to file that fact sheet with the bureau, and to post it on the institution's Internet Web site no later than the first August 1 after the institution is approved to operate and no later than August 1 of each year thereafter.

This bill would provide a law school otherwise exempt from the act that applies to the bureau for an approval to operate subject to the act and that meets other specified criteria with an alternate way to satisfy the requirements of the act regarding a School Performance Fact Sheet. Specifically, by complying with a specified standard of the American Bar Association relating to the disclosure of consumer information, by providing completion rates of students and placement rates, bar passage rates, and salary and wage information of graduates to prospective students prior to enrollment through the law school application process administered by the Law School Admission Council, and by providing to prospective students, at a minimum on its Internet Web site, any additional information required to be reported on a School Performance Fact Sheet, such a law school would satisfy those requirements. *The bill would require such a law school to annually provide the information to the bureau and would require the bureau to include the information on its Internet Web site.*

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 94878 of the Education Code is amended
- 2 to read:
- 3 94878. (a) On or before June 30, 2010, the bureau shall
- 4 establish an Internet Web site that includes at least all of the
- 5 following information:

1 (1) An explanation of the bureau's transition plan for the
2 reconstituted bureau and an explanation of the bureau's scope of
3 authority.

4 (2) (A) A directory of approved institutions, and a link, if
5 feasible, to the Internet Web site of each institution.

6 (B) For each institution, the directory shall be developed in a
7 manner that allows the user to search by institution and shall
8 include all of the following information:

9 (i) The status of the institution's approval to operate.

10 (ii) The information provided by the institutions including, but
11 not limited to, the annual report, as required by Section 94934,
12 including the school catalog and the ~~Student~~ School Performance
13 Fact Sheet. The ~~Student~~ School Performance Fact Sheet shall be
14 maintained on the directory for at least five years after the date of
15 its submission to the bureau.

16 *(iii) If a law school satisfies the requirements of this chapter*
17 *regarding a School Performance Fact Sheet by complying with*
18 *the requirements of Section 94910.5, the bureau shall include the*
19 *information provided by the institution pursuant to Section 94910.5*
20 *on its Internet Web site and shall maintain the information in the*
21 *same manner as required by clause (ii).*

22 ~~(iii)~~

23 (iv) The disciplinary history of the institution, which shall
24 include, but shall not be limited to, all of the following:

25 (I) Pending formal accusations filed by the bureau.

26 (II) Suspensions, revocations, citations, fines, infractions,
27 probations, pending litigation filed by the bureau, and final
28 judgments resulting from litigation filed by the bureau.

29 (III) Pending or final criminal cases filed by the Attorney
30 General, a city attorney, a district attorney, or a federal law
31 enforcement official, of which the bureau has received notice.

32 (IV) Final administrative actions by the United State Department
33 of Education, including orders requiring restitution to students.

34 (V) Final disciplinary actions by an accreditation agency, of
35 which the bureau has received notice pursuant to Section 94934.

36 (b) The bureau shall maintain the Internet Web site described
37 in subdivision (a). The bureau shall ensure that the information
38 specified in subdivision (a) is kept current. The bureau shall update
39 the Internet Web site at least annually, to coincide with the

1 submission of annual reports by the institutions pursuant to Section
2 94934.

3 (c) In addition to maintaining the Internet Web site described
4 in subdivision (a), the bureau shall provide the information
5 described in paragraph (2) of subdivision (a) to the California
6 Postsecondary Education Commission (CPEC), and the CPEC
7 shall include that information in an Internet Web site directory of
8 school performance data maintained by the CPEC. To the extent
9 possible, the bureau shall provide this information consistent with
10 the information collected for reporting to the Integrated
11 Postsecondary Education Data System of the United States
12 Department of Education, including institutional characteristics,
13 completion, annual enrollment, and graduation rates.

14 ~~SECTION 1.~~

15 *SEC. 2.* Section 94910.5 is added to the Education Code, to
16 read:

17 94910.5. (a) Notwithstanding any other law, a law school that
18 meets the criteria of subdivision (b) shall be deemed to satisfy the
19 requirements of this chapter regarding a School Performance Fact
20 Sheet by doing all of the following:

21 (1) Complying with Standard 509 of the American Bar
22 Association's Standards and Rules of Procedure for Approval of
23 Law Schools, as that standard may be amended.

24 (2) Providing completion rates of students and placement rates,
25 bar passage rates, and salary and wage information of graduates
26 to prospective students prior to enrollment through the law school
27 application process administered by the Law School Admission
28 Council.

29 (3) (A) Providing to prospective students any additional
30 information required to be reported on a School Performance Fact
31 Sheet that is not reported pursuant to paragraphs (1) and (2),
32 including, but not limited to, the most recent three-year cohort
33 default rate reported by the United States Department of Education
34 for the law school and the percentage of enrolled students receiving
35 federal student loans.

36 (B) If the law school's three-year cohort default rate reported
37 by the United States Department of Education is aggregated with
38 the three-year cohort default rate of an institution to which the law
39 school belongs, then the law school shall provide to prospective

1 students the law school's three-year cohort default rate
2 disaggregated from the institution's three-year cohort default rate.

3 (C) The law school shall, at a minimum, provide the information
4 described in this paragraph to prospective students by ~~reporting~~
5 *clearly posting the information in a conspicuous location* on the
6 law school's Internet Web site.

7 (4) *Annually providing the information required to be disclosed*
8 *pursuant to this subdivision to the bureau.*

9 (b) Subdivision (a) shall apply to a law school that meets all of
10 the following criteria:

11 (1) The law school is accredited by the Council of the Section
12 of Legal Education and Admissions to the Bar of the American
13 Bar Association.

14 (2) The law school is owned by an institution authorized to
15 operate by the bureau.

16 (3) The law school reports graduate salary information and other
17 information to the National Association for Law Placement.

18 (4) The law school is approved to operate by the bureau pursuant
19 to Section 94874.8.

20 ~~SEC. 2.~~

21 *SEC. 3.* This act is an urgency statute necessary for the
22 immediate preservation of the public peace, health, or safety within
23 the meaning of Article IV of the Constitution and shall go into
24 immediate effect. The facts constituting the necessity are:

25 In order to provide a law school with an alternate way to satisfy
26 the requirements of the California Private Postsecondary Act of
27 2009 regarding a School Performance Fact Sheet as soon as
28 possible, it is necessary that this act take immediate effect.